## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION	) ) MDL No. 1456 )
	) Civil Action No. 01-12257-PBS
THIS DOCUMENT RELATES TO: ALL CLASS ACTIONS	<ul><li>) Judge Patti B. Saris</li><li>)</li><li>)</li><li>)</li><li>)</li></ul>

IT IS HEREBY STIPULATED, by and between the parties that:

- 1. Prior to 1992, defendant Bristol-Myers Squibb, Company ("BMS") did not suggest to industry publications such as Redbook, First Databank and Medispan what mark-up factor should be applied to BMS's list prices to calculate an Average Wholesale Price ("AWP").
- 2. There were no oral discussion between BMS and the industry publications about what the mark-up factor should be.

Dated: December 5, 2006

On behalf of Defendant BMS

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